

PUBLIC NOTICE

696 Virginia Road Concord, MA 01742-2751 Date: March 24, 2009 Comment Period Ends: April 23, 2009

File Number: NAE-2006-01788

In Reply Refer To: Richard C. Kristoff, Jr. Or by e-mail: Richard.C.Kristoff@usace.army.mil

The District Engineer has received a permit application from the applicant below to conduct work in waters of the United States as described below.

APPLICANT

Massachusetts Department of Conservation and Recreation

ACTIVITY

Ashmere Lake Dam is a 1,525 foot long earthen embankment structure that is approximately 32 feet in height. The dam serves as the primary impounding structure for Ashmere Lake located mainly in the Town of Hindsdale, but with a small portion also located in the Town of Peru. Based on the criteria established by Dam Safety Regulations 302 CMR 10.00 Ashmere Lake Dam is categorized as a High Hazard Dam. Within the past few years Ashmere Lake Dam has been inspected and deemed to be a Poor Condition dam in need of repair. Proposed work includes protection and rehabilitation of dam embankment, spillway reconstruction, modifications to the low-level outlet, enhancement of a maintenance buffer at the toe of the dam, and improvements to the dam access road. A detailed description and plans of the activity are attached.

In total, there will be a loss of approximately 33,123 square feet of wetlands and approximately 21,213 square feet of a permanent conversion of forested land to emergent wetland. Roughly 27,500 square feet of area below ordinary high water will be temporarily impacted. A wetland system along the access road may become impacted due to a possible wetland replication project. The impacts on this system are still unknown and are still being investigated. Dam repair work will take place outside of the time period between Memorial Day through Labour Day. For additional information please see the attached plans.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in Ashmere Lake at the Ashmere Lake Dam site and access road located off of Smith Road, Hinsdale, Massachusetts. The proposed location on the USGS Pittsfield East Sixth quadrangle sheet is at 42°26′10′ N 73°04′57″ W

AUTHORITY

Permits are required pursuant to:

Section 10 of the Rivers and Harbors Act of 1899

X Section 404 of the Clean Water Act Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Richard C. Kristoff, Jr. at (978) 318-8171, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at http://www.nae.usace.army.mil.

THIS NOTICE IS $\underline{\text{NOT}}$ AN AUTHORIZATION TO DO ANY WORK.

Karen Kirk Adams

Chief, Permits and Enforcement Branch

Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978)
318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and
return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of
Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME:	
ADDRESS:	

PROPOSED WORK AND PURPOSE

The work includes the discharge of dredged or fill material for the purpose of bringing Ashmere Lake Dam out of a Poor Condition status and into compliance with the Massachusetts Department of Conservation and Recreation Office of Dam and Safety Regulations. In total, there will be a loss of approximately 33,123 square feet of wetlands and approximately 21,213 square feet of a permanent conversion of forested land to emergent wetland. Roughly 27,500 square feet of area below ordinary high water will be temporarily impacted. A wetland system along the access road may become impacted due to a possible wetland replication project. The impacts on this system are still unknown and are still being investigated. Dam repair work will take place outside of the time period between Memorial Day through Labour Day. For additional information please see the attached plans.

To fix the problems associated with the dam and restore the lake to historic water elevations, repairs and dam modifications are being proposed. Proposed work to be conducted on the embankments include extending the downstream slope to create a structurally stable slope of 3H:1V. Existing top soil will be removed and a two foot thick layer of filter sand will be placed along the existing downstream embankment. Surface drainage will go to a filtered seepage collection system at the toe of slope that will be collected through a slotted drainage collection piping system. Ultimately the drainage will be discharged back to the stream resources below the dam. The sand filter layer will be covered with clean common fill and loam to flatten the slope out at 3H:1V. The crest of the dam will be brought to a consistent 14 feet in width from end to end. The average crest height of the dam will also be increased in height by 1-1.5 feet bringing it to elevation 1588.0 NAVD88 in order to provide a 1 foot freeboard during normal maximum floods to prevent overtopping and failure.

Work is also being proposed for the upstream side of the dam as well. Proposed work includes removal of the existing riprap, filling, re-grading, and installing larger riprap with filtered bedding. This work is being proposed along the entire length of the embankment. In order to carry out this work it will be necessary to partially drawdown the lake 6.2 feet below summertime pool levels to elevation 1576.0 NAVD88. Drawdown is proposed to commence after Labor Day and will take 30 days to achieve the desired drawdown. The proposed work is anticipated to take approximately 6 weeks after which the lake can be allowed to refill. This will be done outside of the summer season between Memorial Day and Labor Day. However, only the southern portion of the lake will be drained down and a stop log dam system will be installed under the Route 143 Bridge. This will allow for the northern portion of the lake to maintain its normal levels while the southern portion is drained down however; boat traffic between the two portions of the lake maybe cut off for the duration of the construction (one season).

The low-level outlet will also undergo modifications to accommodate the changes to the dam embankment. To start, the crest manhole structure will be raised to remain flush with the new embankment elevation. The second control valve located towards the downstream toe will be removed. Furthermore, the downstream end of the pipe will be extended 60 feet to the new downstream toe and a new outfall structure will be constructed. With this, about 950 square feet of riprap will be placed at the outfall to decrease flow velocities and direct flows into the low-level outlet channel. The existing toe drain and cleanout areas located along the downstream side of the dam will be removed or capped and

the new toe drains will discharged through a weir.

The spillway will be widened to 90 feet and an ogee weir is to be constructed. Also, a concrete apron downstream of the spillway and concrete retaining walls will be constructed as well as deepening the approach channel to elevation 1578.3 NAVD88 and creating a riprap transition downstream being approximately 7500 square feet. Lastly, a 5 foot wide stop log gate and an access bridge will be built. The ogee weir will increase flow capacities due to the greater width of the spillway and the more efficient shape of the crest. To conduct this work, steel sheet piles will be driven into the ground in a semi-circular configuration extending in an approximate 40' radius from shore and curving into the existing dam bank outside of the proposed dam abutments. Due to shallow water depths in the area this effort can be accomplished without treading into the water during the 24" annual drawdown.

Standard engineering design criteria dictates that to ensure the integrity of the new dam a 20 foot buffer will be maintained between the downstream toe of the dam and any woody vegetation. The vegetation will be routinely mowed and the area will consist of approximately 12 inches of filter sand and covered by 6 inches of seeded soil.

The work is described on the enclosed plan entitled "VICINITY MAP," on 1 sheet, and dated "02/25/08", "GENERAL NOTES AND LEGEND," on 1 sheet, and dated "02/25/08", "LIST OF PLAN SHEETS," on 1 sheet, and dated "02/25/08", "KEY PLAN," on 1 sheet, and dated "02/25/08", "EXISTING CONDITIONS PLAN," on 6 sheets, and dated "02/25/08", "PROPOSED MODFICATIONS PLAN," on 6 sheets, and dated "02/25/08", "PROPOSED EMBANKMENT CROSS SECTIONS," on 4 sheets, and dated "02/25/08", and on plans entitled "RESOURCE AREA IMPACTS PLAN," on 5 sheets, and dated "02/25/08".

MITIGATION

To offset the impacts to the aquatic and wetland resources affected DCR will construct a historical stream restoration as part of the dam rehabilitation project. The proposed project will restore approximately 750 feet of the historical streambed below the spillway. The existing spillway has not passed water in approximately 40 years due to safety concerns. The historic stream reach extends from the dam spillway 750 feet to its confluence with the low-level outlet channel and continues as Bennett Brook toward the Hinsdale Flats area. The historic spillway channel streambed is currently dry to intermittent through its lower portions, flowing primarily during spring snowmelt.

Restoring this stream reach will create and sustain approximately 1,500 feet of associated bank, encourage rapid re-colonization of riparian life and enhance the overall local environmental system. The DCR has purchased and protected 7 acres of land, which encompasses the restored and revitalized historic streambed and the low-level outlet channel including and extending beyond the confluence of the two stream reaches. Additionally this 7-acre acquisition contains approximately 1.5 acres of wetland, which will be permanently protected with conservation restrictions.

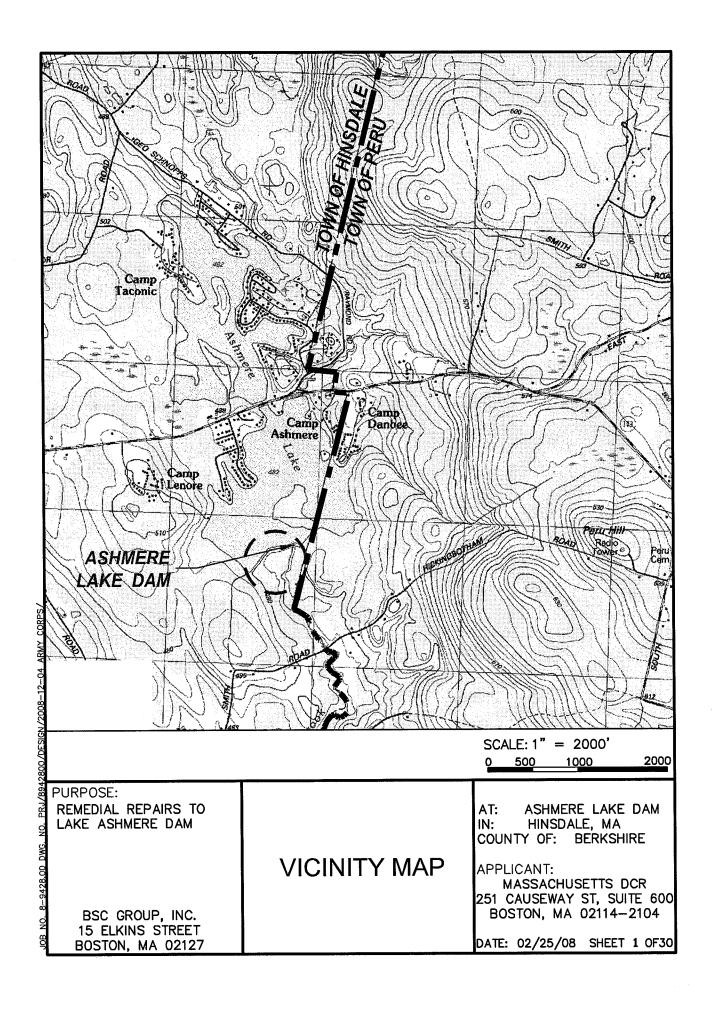
Further, mitigation includes the normalization of stream flows emanating from Ashmere Lake. The Department of Fish and Game's Riverways Program provided estimated values of natural stream flows to the DCR. These values, including the low flow values, have been considered in the dam rehabilitation design and will be approximated in both the low-level outlet channel and the new spillway channel through a cipoletti weir. The weir placed in the stop log system is designed to adjust flow based

on the historical lake level drops during low flow months. The low flow weir has been designed to be modified and will be adjusted through field observations in an adaptive management approach until flows have been normalized to the maximum extent feasible.

The one half mile long dirt access road has been design and rehabilitated to prevent the historical loss of roadway material into resource areas. The roadway material has an erosion resistant cobble base through the velocity zones and historical wash out areas, water bars have been placed strategically all along the road to eliminate velocity zones, and a storm water / sediment basin have been constructed at the end of the road adjacent to the lake to mitigate historical storm water flows into Ashmere Lake. Additional minor drainage improvements have already been made along Smith Road to reduce roadway flooding and erosion. A dilapidated corrugated metal pipe was replaced with a new 8" HDPE culvert.

Also, a nearby pond, Tracey Pond, has been identified as having invasive phragmites. Tracey Pond is connected to Ashmere Lake as Bennet Brook flows from Ashmere to Tracey. The applicant may be able to fund the removal of the invasive and monitor the control efforts for 5 years. Details for this mitigation are still being developed.

The work is described on the enclosed plan entitled "Tracy Pond Locus Ashmere Lake Dam Project Mitigation," on 2 sheets, not dated, and "Plans of Division of Land Prepared for The Commonwealth of Massachusetts Town of Hinsdale Berkshire County, Massachusetts," on 1 sheet, and dated "2/1/08."



EXISTING CONDITIONS MOTES:

- 1. PLAN BASED ON MAP TITLED "TOPOGRAPHIC PLAN OF ASHMERE LAKE DAM TOWN HINSDALE BERKSHIRE COUNTY, MASSACHUSETTS", REVISED 7/9/07. PREPARED BY SACKETT SURVEY SERVICES, INC.
- 2. WETLAND DELINEATION PERFORMED BY VALLEY ENVIRONMENTAL SERVICES, GREENFIELD, MA AND BSC COMPANIES, BOSTON, MA.
- 3. VERICAL DATUM IS NAVO 88.

EROSION AND SEDIMENT CONTROL NOTES:

- 1. GRADE EXISTING SOIL AS REQUIRED TO ELIMINATED HIGH SPOTS, DEPRESSIONS OR ABRUPT CHANGES IN GRADE. DO NOT ALLOW EXCESS SOIL TO FILL AREAS ADJACENT TO ROADWAY, LOAD SOIL TRANSPORT AND STOCKPILE AT LOCATION SELECTED BY OWNER AND/OR ENGINEER.
- 2. INSTALL GEOTEXTILE OR GEO-GRID BETWEEN EXISTING SOIL AND NEW MATERIAL AS NECESSARY.
- 3. DO NOT PLACE NEW MATERIAL OUTSIDE THE EXISTING ROADWAY FOOTPRINT, EXCEPT IN AREAS DESIGNATED AS "TRUCK PULL-OFFS". PLACED FOR THE CONSTRUCTION OF TRUCK PULL-OFFS MUST BE KEPT A MINIMUM OF 120 FEET FROM WETLAND BOUNDARIES. FINAL AGGREGATE THICKNESS T.B.D. BY CONTRACTOR. ANY FILL
- GRADE NEW MATERIAL TO PROPERLY DRAIN SURFACE WATER OFF THE ROADWAY AND INTO DITCHES, SWALES OR OTHER NATURAL FEATURES,
- 5. WHERE SUBSURFACE WATER APPEARS TO BE PROBLEMATIC, CONSTRUCT CROSSINGS TO ALLOW SUBSURFACE WATER TO FLOW UNDER THE ALIGNMENT WITHOUT DAMAGING THE ROADWAY SURFACE.
- 6. INSTALL SURFACE FEATURES AS NECESSARY TO REDUCE OVERLAND WATER VELOCITIES AND MINIMIZE EROSION ALONG THE ROADWAY ALIGNMENT.
- 7. REMOVE ALL TREES AND BRUSH FROM WETLAND AREAS AND STOCKPILE OUTSIDE WETLAND AREAS TO ALLOW EASY REMOVAL.
- 8. SILT FENCE AND HAYBALES SHOWN ADJACENT TO AND GENERALLY PARALLEL TO THE CLEARING LIMIT TO BE INSTALLED APPROX. 3-5 FT. FROM SAID LIMIT. ADDITIONAL EROSION CONTROL MEASURES TO BE LOCATED AS SHOWN, OR AS REQUESTED BY THE OWNER OR ENGINEER.

PROPOSED MODIFICATION PLAN NOTES:

- 1. FIELD VERIFY GATE DIMENSIONS PRIOR TO REMOVING EXISTING GATE FOR CONSTRUCTION ACCESS. AT COMPLETION OF WORK, REPLACE WILL PROVIDE A LOCK AND INPUT FOR THE DESIGN OF THE LATCH OR LOCKING MECHANISM. AT COMPLETION OF WORK, REPLACE WITH
- 2. SEE EROSION AND SEDIMENT CONTROL DRAWING(S) FOR LIMIT OF EROSION CONTROL MEASURES.
- 3. INSTALL RIPRAP FROM STA 1+00 TO STA 12+89± AND TO THE FOLLOWING ELEVATIONS: TOP OF RIPRAP: EL. 1586.5 FT.
 TOP OF RIPRAP: EL. 1578.5 FT.

PROPOSED EMBANKMENT SECTIONS NOTES:

- 1. THE 20 FT APRON DOWNSTREAM OF THE TOE OF THE EMBANKMENT IS NOT SHOWN FOR CLARITY.
- 2. IN SECTION 2, THE LOW LEVEL CUTLET AND DISCHARGE CHANNEL ARE NOT SHOWN FOR CLARITY.
- 3. BASELINE REFERS TO THE APPROXIMATE CENTERLINE OF THE EXISTING CREST. CENTERLINE REFERS TO THE CENTERLINE OF THE PROPOSED CREST.
- 4. FILTER SAND THICKNESS TO BE 2'-0" MIN.
- 5. REMOVE EXISTING RIPRAP AND RESHAPE UPSTREAM SLOPE AS NECESSARY TO INSTALL A 2'-3" MIN. THICKNESS OF RIPRAP AND ASSOCIATED BEDDING.

LEGEND:

TREELINE WORK AREA INSIDE OPTIONAL TEMPORARY COFFERDAM - - WETLAND BOUNDARY - 100' WETLAND BUFFER PROPERTY LINE RIP RAP EXISTING 10' CONTOUR EXISTING 2' CONTOUR PROPOSED 10' CONTOUR

EXISTING TOE DRAIN CLEANOUT PROPOSED 2' CONTOUR PIEZOMETER/OBSERVATION WELL INSTALLED BY HALEY AND ALDRICH, INC. MARCH 1985 EROSION CONTROL

ORDINARY HIGH WATER LINE IRON PIPE FOUND ORDINARY LOW WATER LINE

PURPOSE:

12800/DESIGN/2008-12-04

DWG.

8-9428.00

ç

REMEDIAL REPAIRS TO LAKE ASHMERE DAM

GENERAL NOTES AND I FGFND

AT: ASHMERE LAKE DAM IN: HINSDALE, MA COUNTY OF: BERKSHIRE

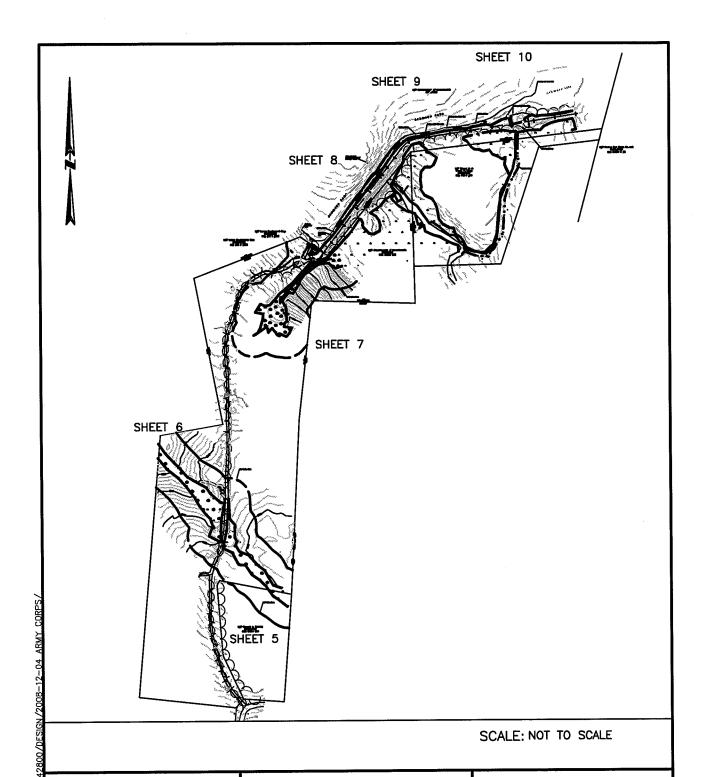
APPLICANT:

MASSACHUSETTS DCR 251 CAUSEWAY ST, SUITE 600 BOSTON, MA 02114-2104

DATE: 02/25/08 · SHEET 2 0F30

BSC GROUP, INC. 15 ELKINS STREET BOSTON, MA 02127

LIST OF PLAN SHEETS:				
SHEET 1 OF 30 SHEET 2 OF 30 SHEET 3 OF 30 SHEET 4 OF 30	VICINITY MAP GENERAL NOTES AN LIST OF PLAN SHEE KEY PLAN			
SHEET 5 OF 30 SHEET 6 OF 30 SHEET 7 OF 30 SHEET 8 OF 30 SHEET 9 OF 30 SHEET 10 OF 30	EXISTING CONDITION EXISTING CONDITION EXISTING CONDITION EXISTING CONDITION EXISTING CONDITION EXISTING CONDITION	IS PLAN IS PLAN IS PLAN IS PLAN		
SHEET 11 OF 30 SHEET 12 OF 30 SHEET 13 OF 30 SHEET 14 OF 30 SHEET 15 OF 30 SHEET 16 OF 30	PROPOSED MODIFIC PROPOSED MODIFIC PROPOSED MODIFIC PROPOSED MODIFIC PROPOSED MODIFIC PROPOSED MODIFIC	ATIONS PLAN ATIONS PLAN ATIONS PLAN ATIONS PLAN		
SHEET 17 OF 30 SHEET 18 OF 30 SHEET 19 OF 30 SHEET 20 OF 30	PROPOSED EMBANK PROPOSED EMBANK	MENT CROSS SECTIONS MENT CROSS SECTIONS MENT CROSS SECTIONS MENT CROSS SECTIONS		
SHEET 21 OF 30 SHEET 22 OF 30 SHEET 23 OF 30 SHEET 24 OF 30 SHEET 25 OF 30 SHEET 26 OF 30	RESOURCE AREA IM	IPACTS PLAN IPACTS PLAN IPACTS PLAN IPACTS PLAN		
SHEET 27 OF 30 SHEET 28 OF 30 SHEET 29 OF 30 SHEET 30 OF 30 PURPOSE:	PROPOSED WETLAN PROPOSED WETLAN PROPOSED WETLAN PROPOSED WETLAN	D MITIGATION PLAN D MITIGATION PLAN		
PURPOSE: REMEDIAL REPAIRS TO LAKE ASHMERE DAM BSC GROUP, INC. 15 ELKINS STREET BOSTON, MA 02127	LIST OF PLAN SHEETS	AT: ASHMERE LAKE DAM IN: HINSDALE, MA COUNTY OF: BERKSHIRE APPLICANT: MASSACHUSETTS DCR 251 CAUSEWAY ST, SUITE 600 BOSTON, MA 02114—2104		



PURPOSE:

REMEDIAL REPAIRS TO LAKE ASHMERE DAM

KEY PLAN

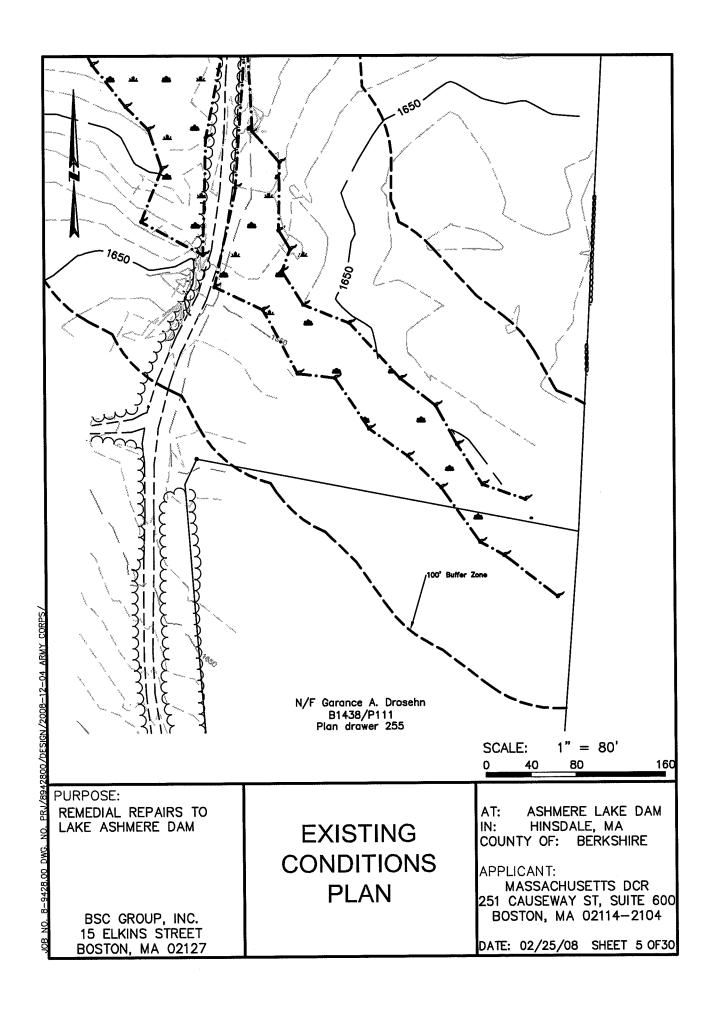
ASHMERE LAKE DAM AT: IN: HINSDALE, MA COUNTY OF: BERKSHIRE

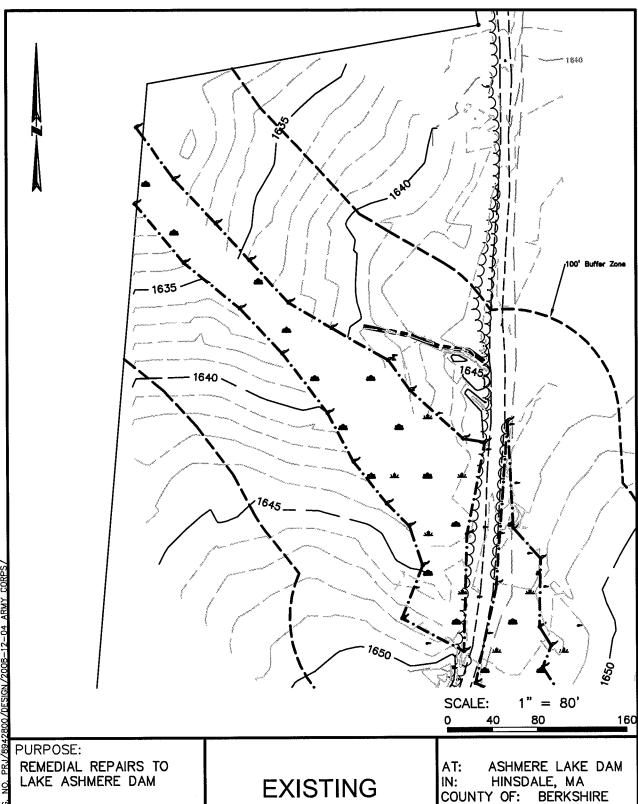
APPLICANT:

MASSACHUSETTS DCR 251 CAUSEWAY ST, SUITE 600 BOSTON, MA 02114-2104

DATE: 02/25/08 SHEET 4 0F30

BSC GROUP, INC. 15 ELKINS STREET BOSTON, MA 02127



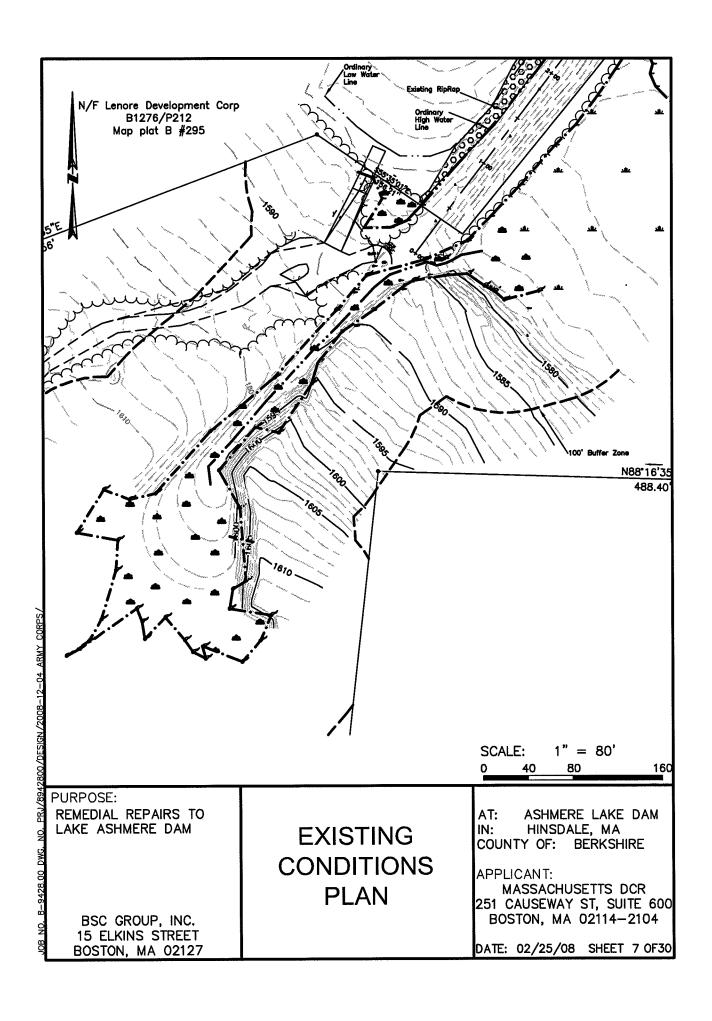


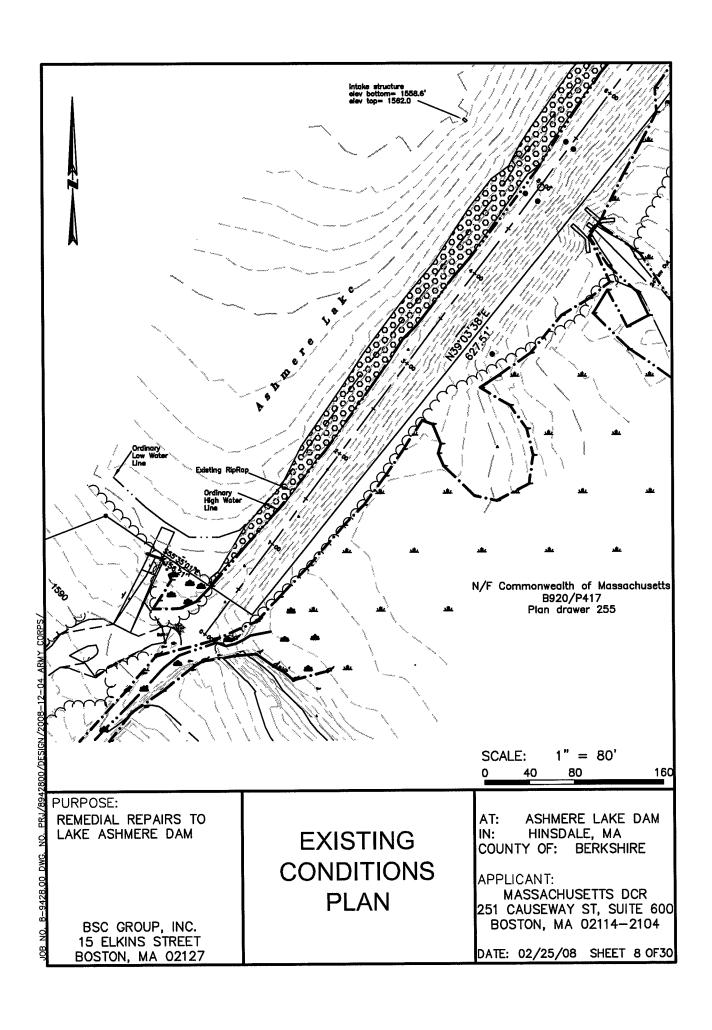
BSC GROUP, INC. 15 ELKINS STREET BOSTON, MA 02127 EXISTING CONDITIONS PLAN

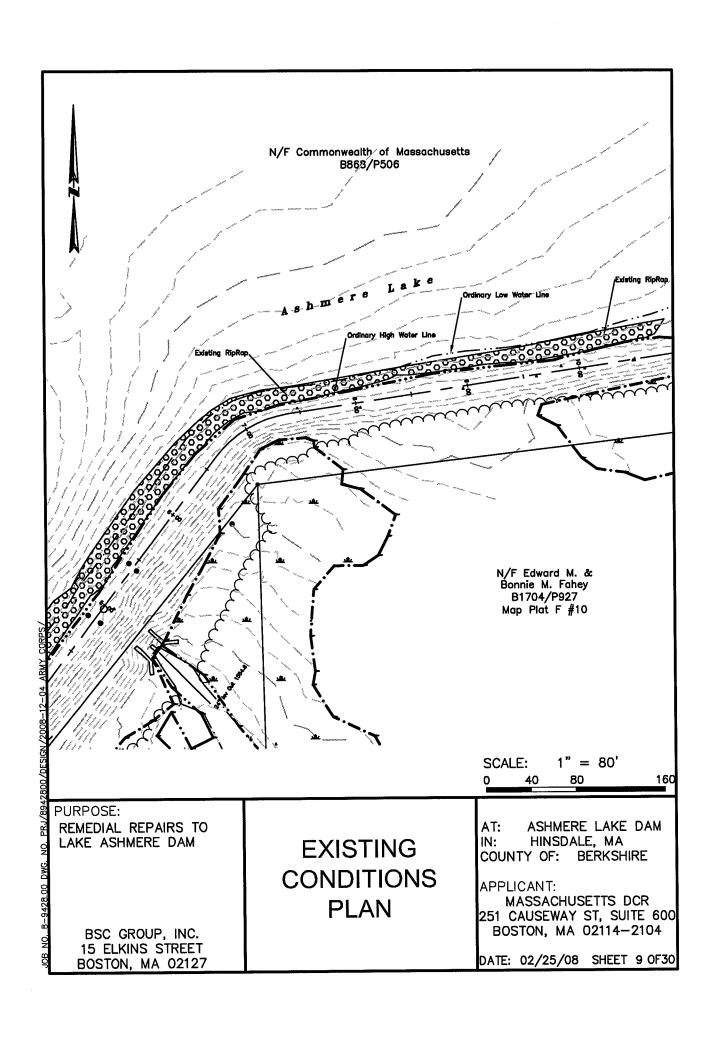
APPLICANT:

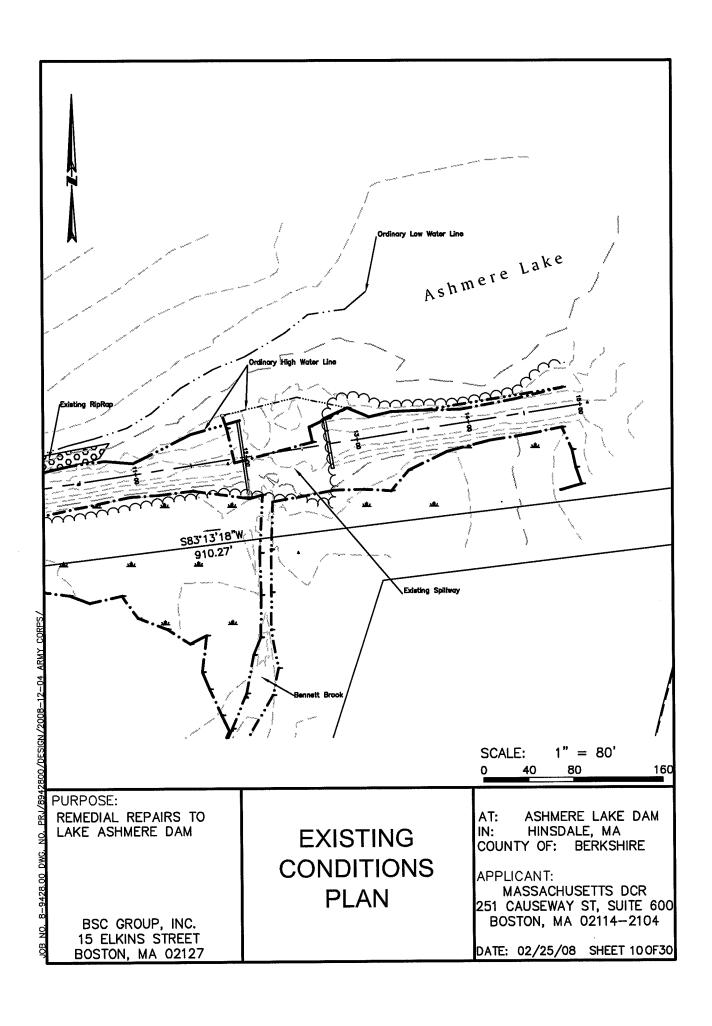
MASSACHUSETTS DCR 251 CAUSEWAY ST, SUITE 600 BOSTON, MA 02114—2104

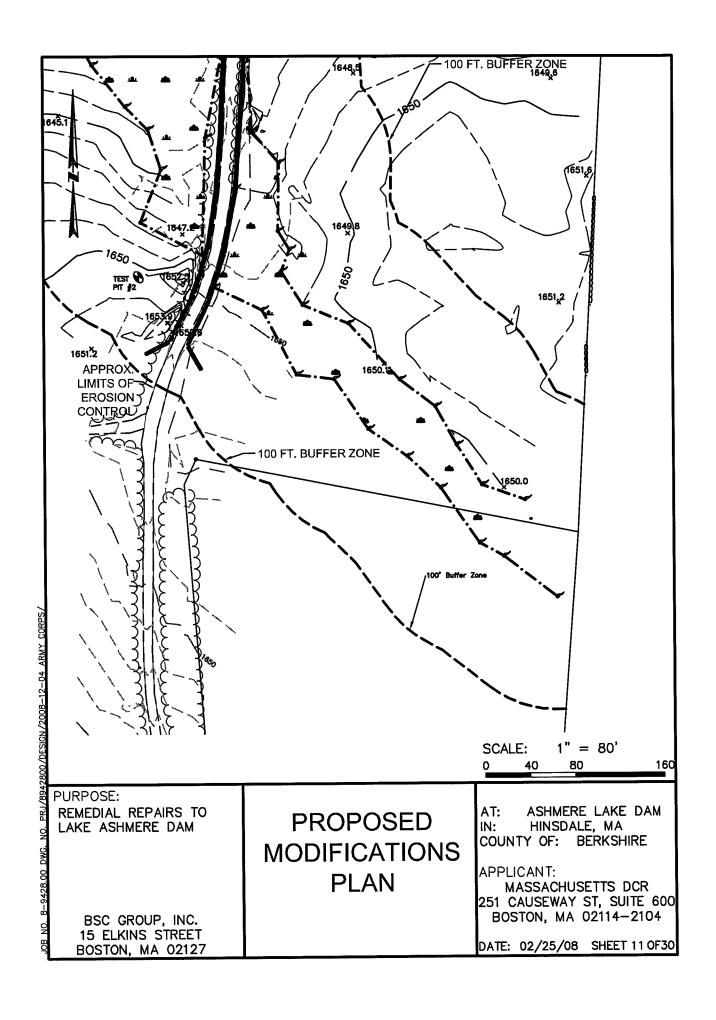
DATE: 02/25/08 SHEET 6 OF30

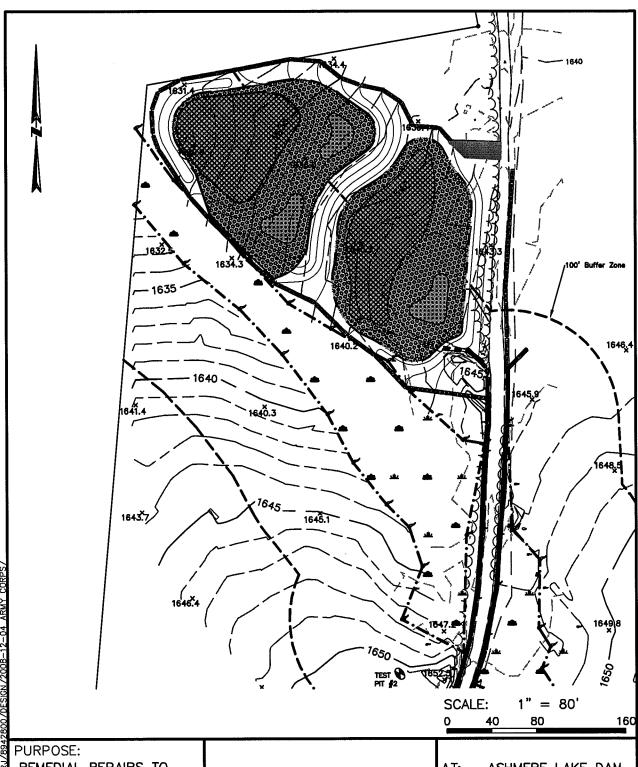












REMEDIAL REPAIRS TO LAKE ASHMERE DAM

BSC GROUP, INC. 15 ELKINS STREET BOSTON, MA 02127

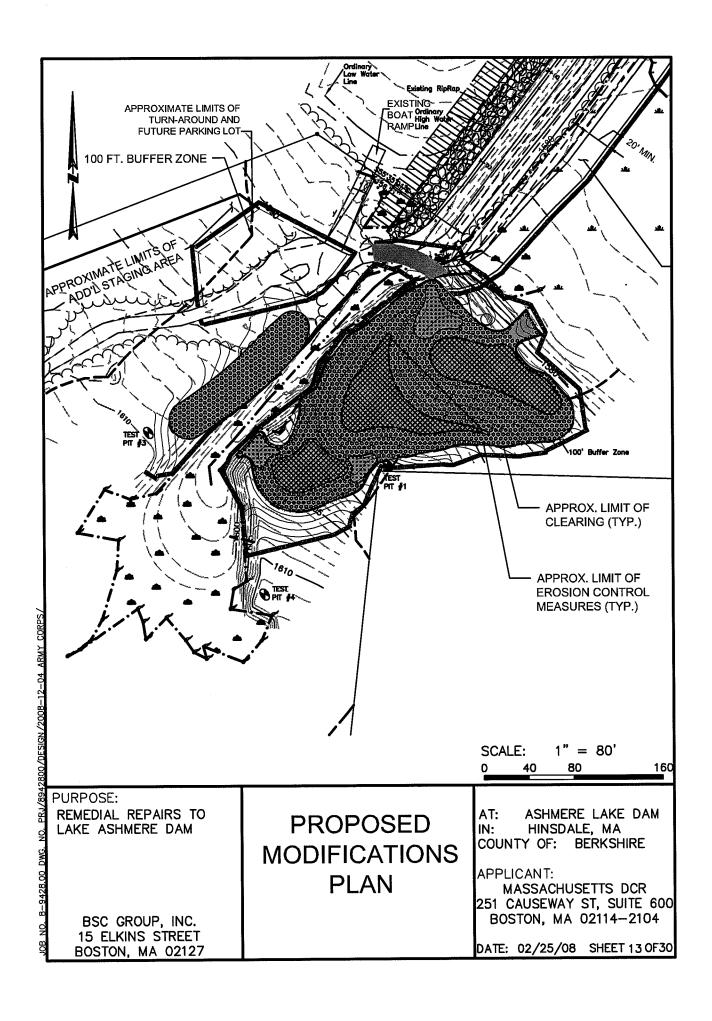
PROPOSED MODIFICATIONS PLAN

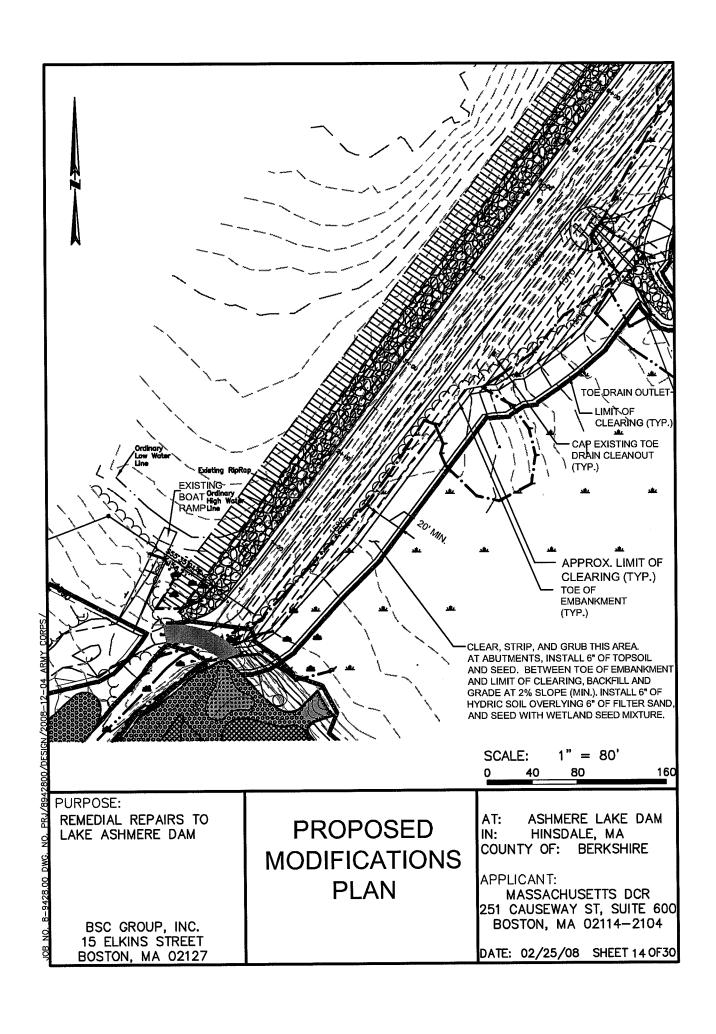
AT: ASHMERE LAKE DAM IN: HINSDALE, MA COUNTY OF: BERKSHIRE

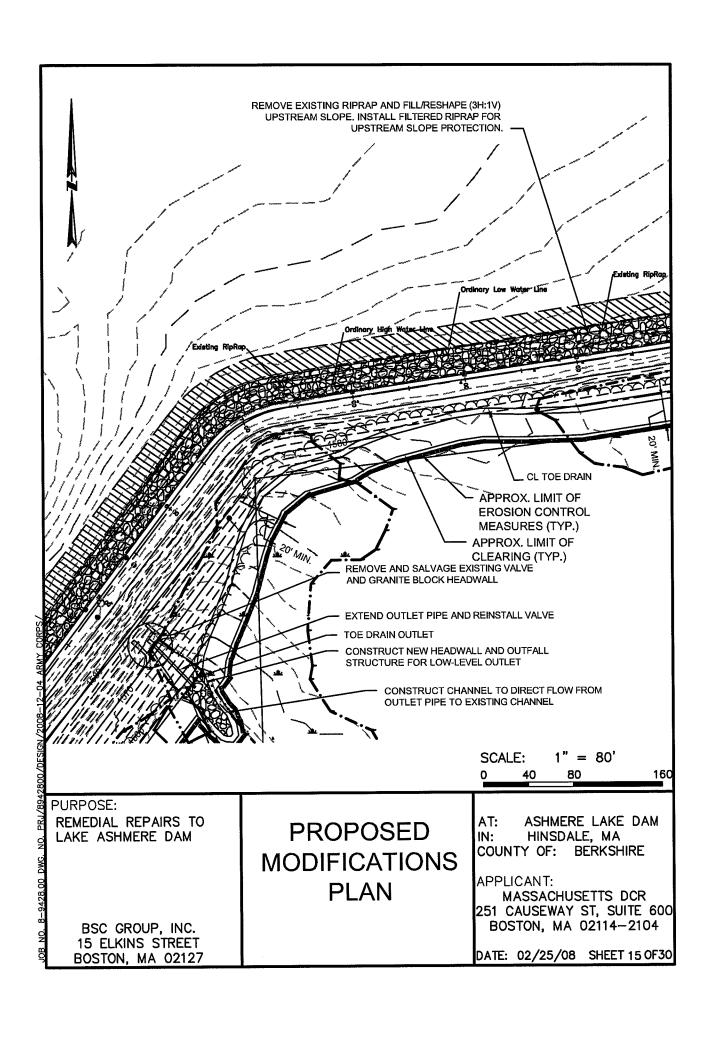
APPLICANT:

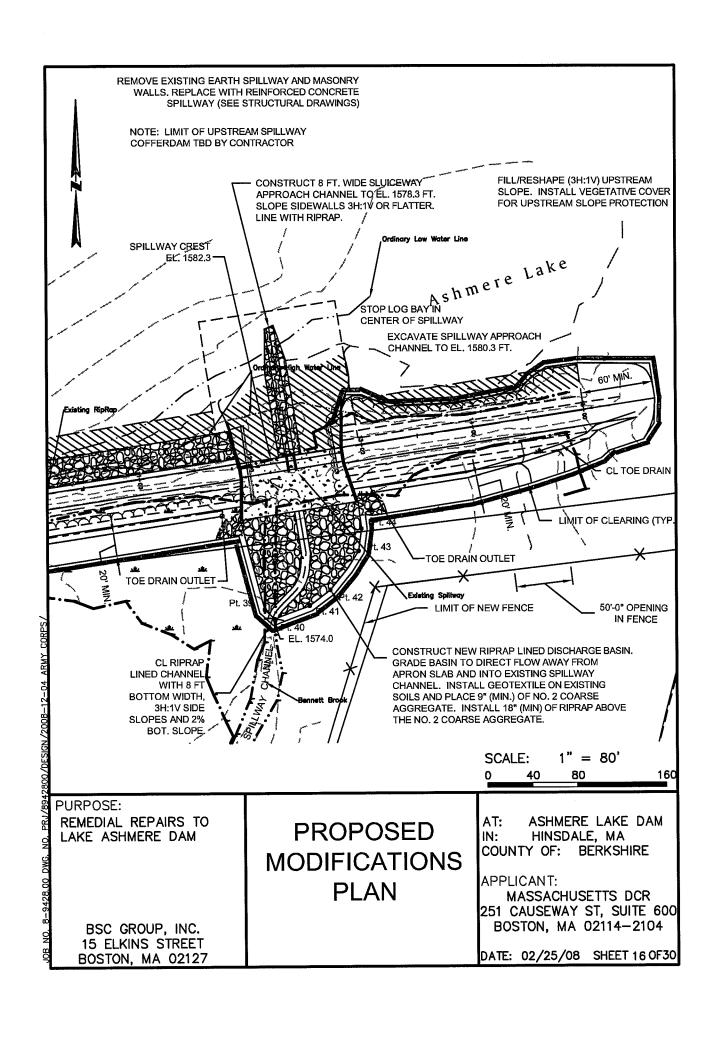
MASSACHUSETTS DCR 251 CAUSEWAY ST, SUITE 600 BOSTON, MA 02114—2104

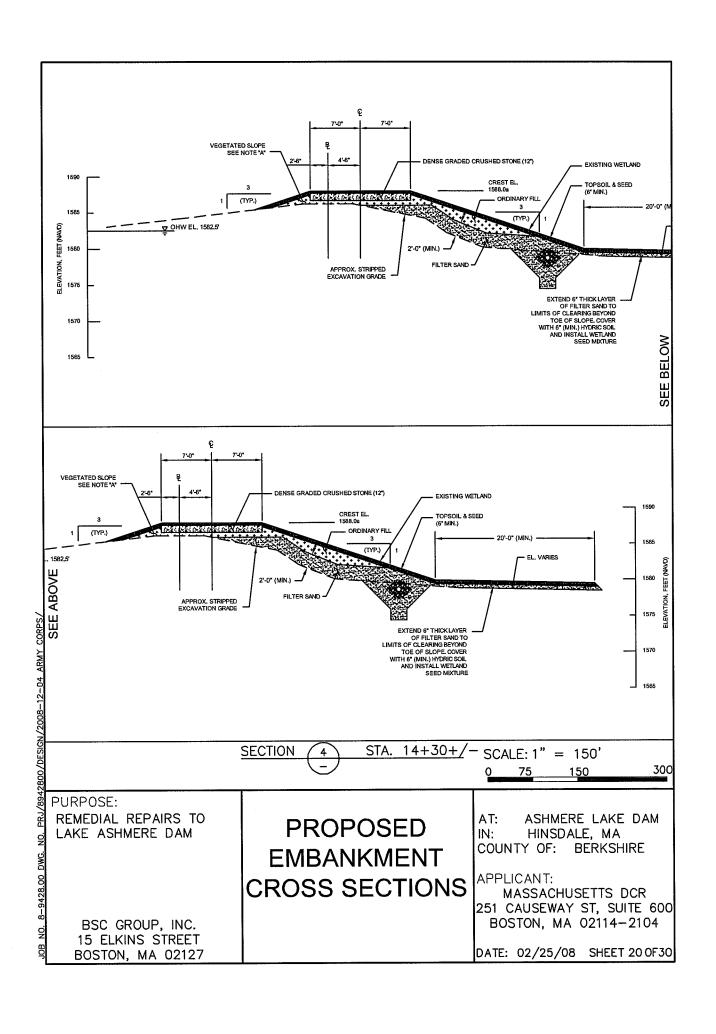
DATE: 02/25/08 SHEET 12 0F30

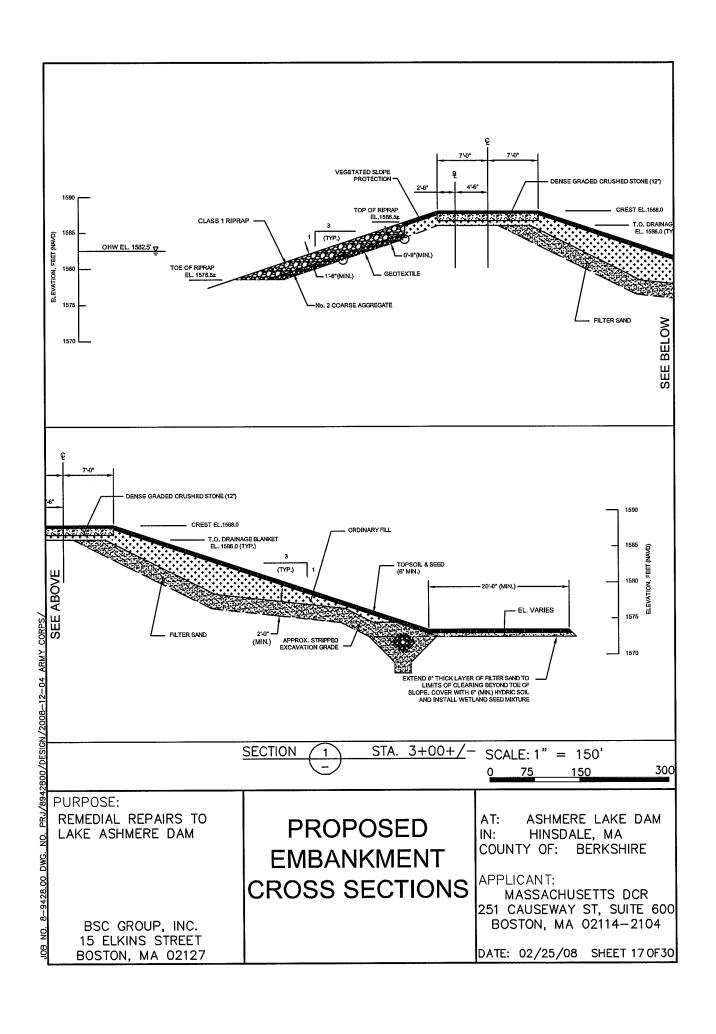


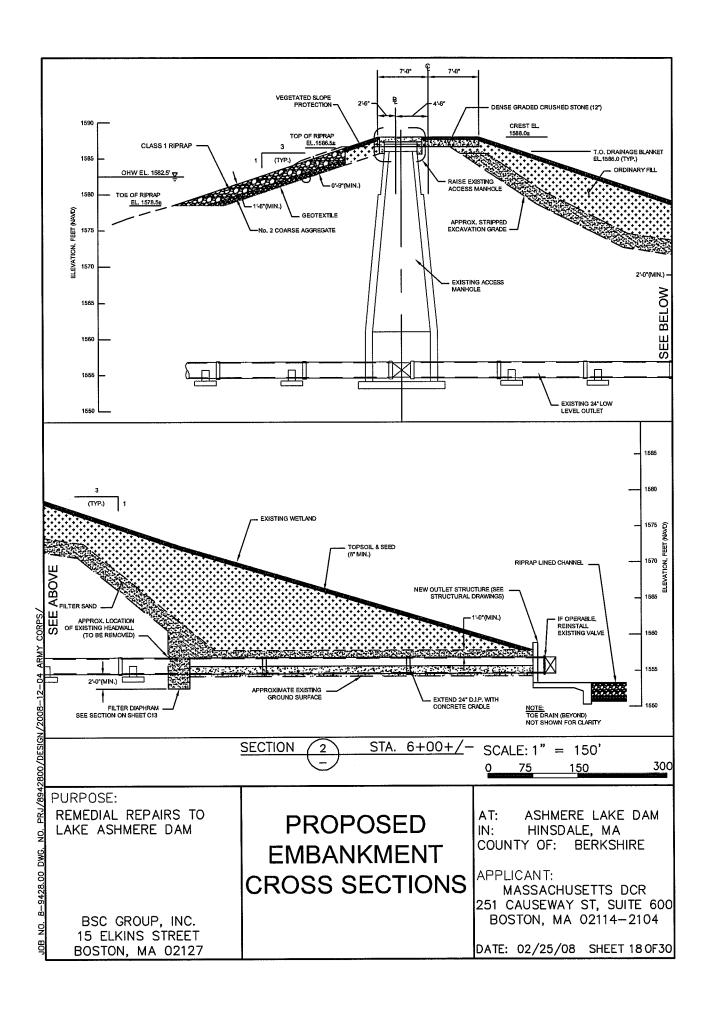


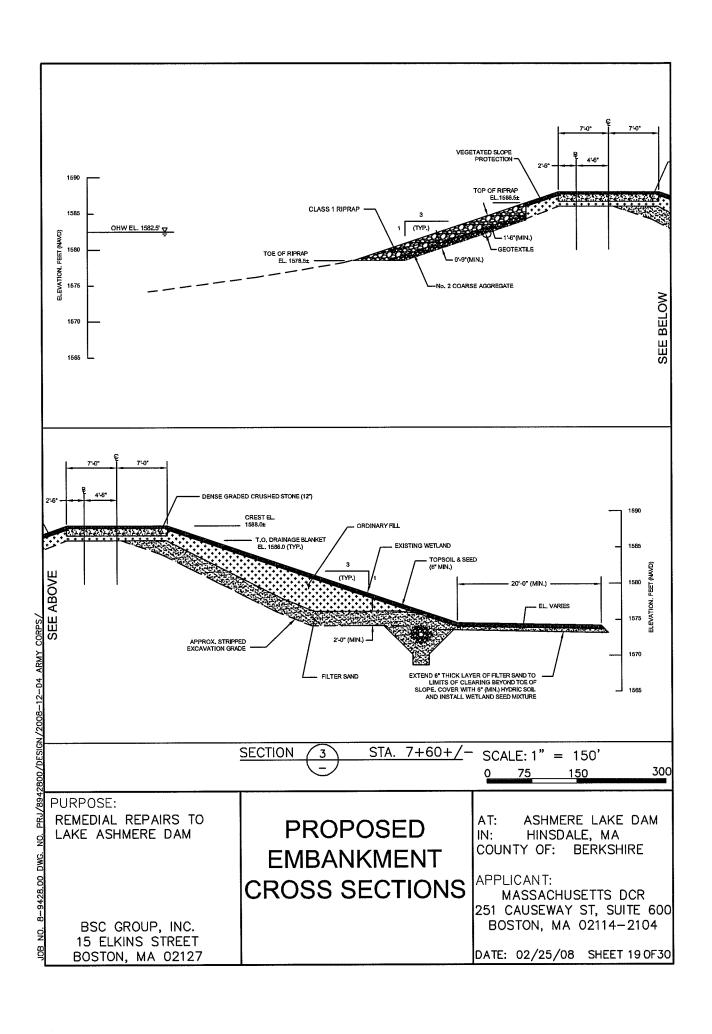


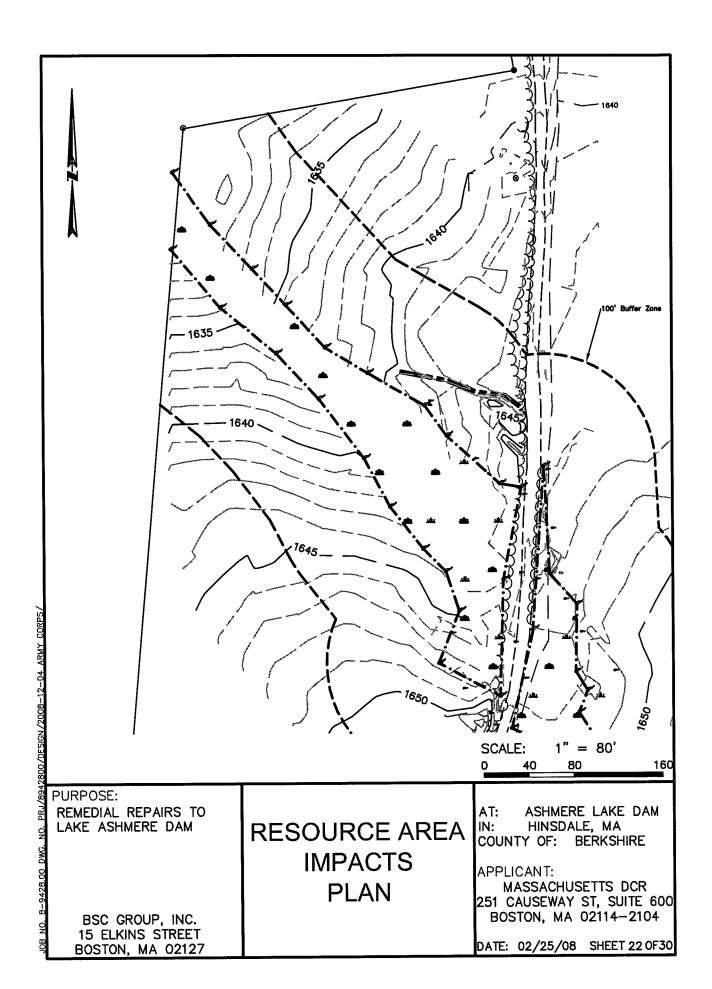


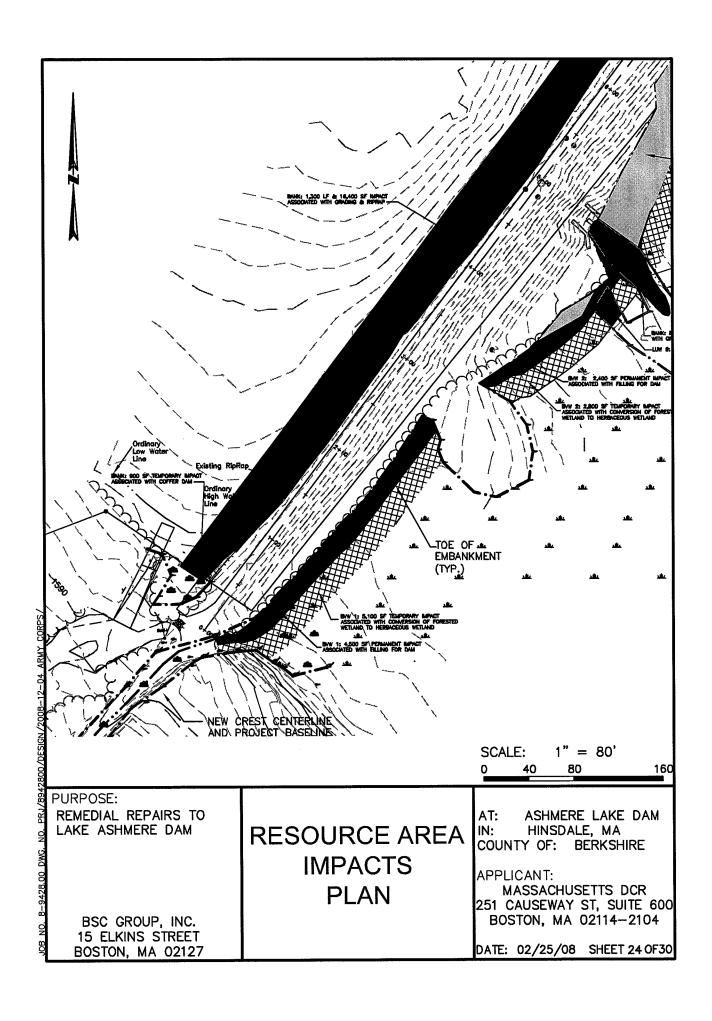






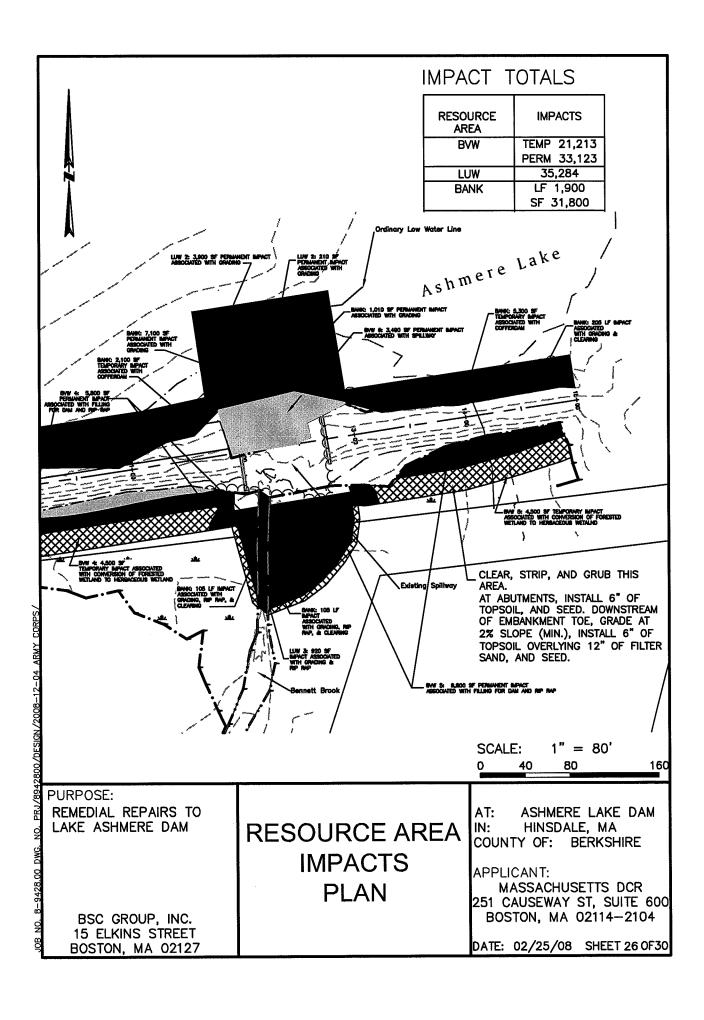


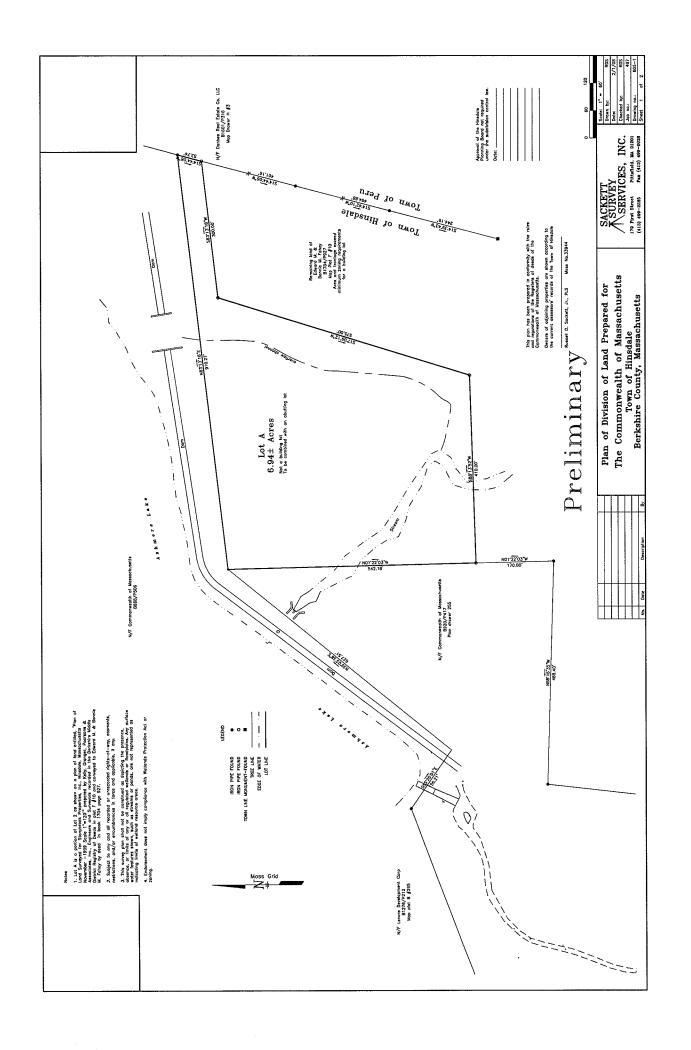




BORDERING VEGETATED WETLAND IMPACTS PERMANENT FILL (GRADING & RIP RAP) IN FORESTED PERMANENT FILL IN HERBACEOUS WETLAND WETLAND CONVERSION AREA SHEET BVW 1 5,100 SF 23&24 2,413 SF 1,823 SF 500 SF BVW 2 23&24 BVW 3 4,700 SF 1,400 SF 6,600 SF 24&25 1,500 SF BVW 4 4,500 SF 4,300 SF 25&26 4,500 SF 8,800 SF BVW 5 BVW 6 3,490 SF TOTAL BVW 12,300 SF 21,213 S SCALE: 1" = 80'160 PURPOSE: ASHMERE LAKE DAM REMEDIAL REPAIRS TO AT: **RESOURCE AREA** HINSDALE, MA LAKE ASHMERE DAM IN: COUNTY OF: BERKSHIRE **IMPACTS** APPLICANT: **PLAN** MASSACHUSETTS DCR 251 CAUSEWAY ST, SUITE 600 BOSTON, MA 02114-2104 BSC GROUP, INC. 15 ELKINS STREET DATE: 02/25/08 SHEET 25 0F30

BOSTON, MA 02127





Tracy Pond

Tracy Pond Locus
Ashmere Lake Dam Project Mitigation

Department of Conservation and Recreation Dam Locations

0.1. 0.2 0.4 Miles

